

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHAD HATTEN,

Plaintiff,

v.

BRIAN BARNER,

Defendant.

Civil Action No. 08-89 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on March 28, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 5], filed on September 3, 2008, recommended that Plaintiff's complaint be dismissed for failure to prosecute. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24<sup>th</sup> day of September, 2008;

IT IS HEREBY ORDERED that the Plaintiff's Complaint is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 5] of Magistrate Judge Baxter, filed on September 3, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge